

REMARKS

This Amendment is being filed in response to an Office Action mailed on November 1, 2006. Claims 1-3 and 8-19 are pending in this application and stand rejected, of which claims 1, 3 and 8-10 are independent. In this Amendment, all the independent claims 1, 3 and 8-10 have been amended. Support for the amendments and the new claims can be found on at least pages 5-6 of the specification as originally filed. Applicants respectfully maintain that the claims have been amended to better clarify the Applicants' invention. Applicants respectfully submit that all the pending claims, claims 1-3 and 8-19 are in condition for allowance.

Rejection under 35 U.S.C. §112

In the Office Action, claims 1-3, 8-19 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter not adequately described in the specification. Without addressing or conceding the rejection, in the interest of expediting prosecution, Applicants hereby amend the independent claims to require recesses in the side walls of the cage bottom for receiving the feeder assembly. Applicants respectfully submit that on pages 5 and 6 of the specification as originally filed, it is provided:

Extending continuously around top end 16 of cage bottom 3 is a peripheral lip 8 having a smooth and flat surface.... A pair of recesses 35, 35' are formed in peripheral lip 8.

...

Flanges 39, 39' are dimensioned and shaped so that when feeder assembly 23 is disposed in cage bottom 3, flanges 39, 39' are received in recesses 35, 35', respectively, and are flush with peripheral lip 8 of cage bottom 3.

Accordingly, the specification as filed adequately describes the recess in the side walls for supporting the feeder assembly as amended herein.

Rejection under 35 U.S.C. §102(b)

In the Office Action, claim 11 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,989,545 to Sheaffer et al. Applicants respectfully submit that Sheaffer fails to teach or suggest a cage bottom having side walls having recesses and a feeder assembly supported by the recesses as recited in claim 11 as amended herein. Accordingly, Sheaffer fails to anticipate or render obvious claim 11, and Applicants respectfully request withdrawal of the rejection.

Rejection under 35 U.S.C. §103(a)

In the Office Action, claims 1-3 and 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sheaffer in view of Applicant Admitted Prior Art (AAPA) or U.S. Patent No. 5,894,816 to Coiro et al. Applicants respectfully submit that Sheaffer, either taken alone or in combination with either AAPA or Coiro, fails to teach or suggest a cage bottom having side walls having recesses and a feeder assembly supported by the recesses as recited in the claims amended herein. Accordingly, Applicants respectfully submit that claims 1-3 and 8-10 are patentable over Sheaffer in view of AAPA or Coiro and respectfully request withdrawal of the rejection.

Double Patenting Rejection

Claims 1-3, 8-19 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,341,581. Because the double patenting

Application Serial No.: 09/173,134
Amendment dated April 30, 2007
Responsive to Office Action dated November 1, 2006

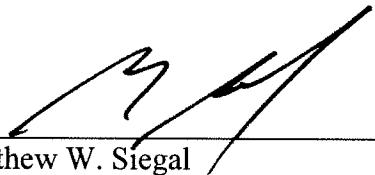
rejection is not the only pending rejection of the claims, this rejection will not be addressed at this time.

Accordingly, Applicants respectfully submit that all outstanding rejections have been addressed and are now either overcome or moot, and that all the pending claims are patentable over the prior art. Accordingly, favorable consideration and prompt allowance of this application are respectfully requested.

No fee, other than the fee for the Petition for Extension of Time submitted herewith, is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, the Examiner is hereby authorized to charge the amount of such fee to Deposit Account No. 19-4709.

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Respectfully submitted,



Matthew W. Siegal
Registration No. 32,941
Attorney for Applicants
STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, New York 10038-4982
(212) 806-5400